

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE

APPLICATION NUMBER E3333 (35-9893)

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MEMORANDUM DECISION

Exchange Application Number E3333 (35-9893), in the names of Jan and Dennis R. Daniels, was filed on September 7, 1994, to exchange 2.0 acre-feet of water as evidenced by Contract with Weber Basin Water Conservancy District under Water Right Numbers 35-7395 (A10989) and 35-827 (A27608). The 2.0 acre-feet of water is to be released into Ogden River and, in lieu thereof, 2.0 acre-feet of water will be diverted from a six inch well, 505 feet deep, located North 575 feet and West 1030 feet from the S $\frac{1}{4}$ Corner of Section 28, T7N, R1E, SLB&M, and used for the irrigation of 0.51 acre, and the domestic purposes of one family.

The application was advertised in The Ogden Standard-Examiner from October 27, 1994, to November 10, 1994, and was not protested.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number E3333 (35-9893) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn from the well if a contract is not in effect.
- 2) Total diversion under this exchange application for all uses applied for is limited to 2.0 acre-feet of water per year. These uses are limited to the domestic needs of one family and irrigation of 0.51 acre. For the purpose of regulating this exchange, the applicants shall install a permanent totalizing meter to measure withdrawals from the underground water well, which meter shall be available for inspection by representatives of the Division of Water Rights at any reasonable time.
- 3) The water being exchanged shall be released from Pineview Reservoir into the Ogden River as called for by the river commissioner.
- 4) The applicants only has 2.0 acre-feet total on contract with Weber Basin and is exchanging that water under this application. The records of the State Engineer also show that the applicants have an ownership interest in 3.0 acre-feet of water under Exchange Application Number E887 based on a contract with Weber Basin. Since there is no contract in place as a basis for E887, it is to be reduced by 3.0 acre-feet.

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- 5) Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 20th day of January, 1995.


Robert L. Morgan, P.E., State Engineer

RLM:JRM:mw

Mailed a copy of the foregoing Memorandum Decision this 20th day of January, 1995, to:

Jan and Dennis R. Daniels
P.O. Box 117
Eden, UT 84310

Weber Basin Water Conservancy District
c/o Mr. Ivan Flint, General Manager
2837 East Highway 193
Layton, UT 84040

E. Blaine Johnson
1615 E. Shadow Valley Drive
Ogden, UT 84403

BY: 
Maclovio White, Secretary